

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

)  
**IN RE: NATIONAL PRESCRIPTION** )  
**OPIATE LITIGATION** )  
)  
This document relates to: )  
)  
*The County of Summit, Ohio, et al. v. Purdue* ) MDL No. 2804  
    *Pharma L.P., et al.* )  
    Case No. 18-op-45090 ) Hon. Dan A. Polster  
)  
and )  
)  
*The County of Cuyahoga v. Purdue Pharma* )  
    *L.P., et al.* )  
    Case No. 1:18-op-45004 )  
)

---

**NOTICE OF SERVICE OF DEFENDANTS' DAUBERT MOTION TO  
EXCLUDE THE OPINIONS OFFERED BY JONATHAN GRUBER**

Pursuant to the Directions Regarding Filing of Briefs Under Seal, ECF No. 1719, Defendants<sup>1</sup> hereby provide notice that on June 28, 2019, they served unredacted copies of the following documents on all Parties, the Court, and the Special Masters:

---

<sup>1</sup> Teva Pharmaceutical Industries Ltd., Allergan plc f/k/a Actavis plc, and Mallinckrodt plc are respectively an Israeli corporation, Irish holding company, and Irish company that are not subject to and contest personal jurisdiction for the reasons explained in their pending motions to dismiss for lack of personal jurisdiction; they are specially appearing to join this motion as a result of the Court's deadline to file dispositive and Daubert motions, and, thus, they do not waive and expressly preserve their pending personal jurisdiction challenges.

In the Complaints, Plaintiffs lump Noramco together with J&J and its other affiliated entities, all Manufacturer Defendants, or all Defendants collectively. For this reason, Noramco joins this motion even though it never manufactured, packaged, branded, marketed, promoted, distributed or sold the finished drug products that are at issue in this litigation. Indeed, because Noramco is an active pharmaceutical ingredient supplier, and not a finished drug product manufacturer, Plaintiffs' alleged injuries are even more remote and disconnected from the lawful activities of Noramco. See Noramco's Memorandum in Support of Motion for Judgment on the Pleadings Or, in the Alternative, Summary Judgment.

On June 10, 2019, Insys Therapeutics, Inc. and its affiliates each filed a voluntary case under chapter 11 of United States Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware, which cases are being

- Defendants' *Daubert* Motion to Exclude the Opinions offered by Jonathan Gruber;
- Memorandum of Points and Authorities in Support of Defendants' *Daubert* Motion to Exclude the Opinions offered by Jonathan Gruber;
- Declaration of David W. Haller in Support of Defendants' *Daubert* Motion to Exclude the Opinions offered by Jonathan Gruber, along with the corresponding Exhibits 1 to 3;
- [Proposed] Order Granting Defendants' *Daubert* Motion to Exclude the Opinions offered by Jonathan Gruber; and
- Summary Sheet for Defendants' *Daubert* Motion to Exclude the Opinions offered by Jonathan Gruber (also attached hereto as Exhibit A).

Pursuant to the Directions Regarding Filing of Briefs Under Seal, Defendants also notified the following non-parties that their confidential information may be included in the filing: the federal Drug Enforcement Administration.

---

jointly administered under Case No. 19-11292 (KG). In light of this bankruptcy proceeding, Insys does not join any of the *Daubert* motions for summary judgment motions to be filed in the MDL Track One cases.

Dated: June 28, 2019

Respectfully submitted,

BY: /s/ Mark S. Cheffo

Mark S. Cheffo  
DECHERT LLP  
Three Bryant Park  
1095 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 698-3500  
Mark.Cheffo@dechert.com

*Counsel for Defendants Purdue Pharma L.P.,  
Purdue Pharma Inc., and The Purdue Frederick  
Company*

*Co-Liaison Counsel for the Manufacturer  
Defendants*

/s/ Carole S. Rendon

Carole S. Rendon  
BAKER & HOSTETLER LLP  
Key Tower 127 Public Square, Suite 2000  
Cleveland, OH 44114-1214  
Telephone: (216) 621-0200  
Fax: (216) 696-0740  
crendon@bakerlaw.com

*Counsel for Defendants Endo Health Solutions  
Inc. and Endo Pharmaceuticals Inc.; Par  
Pharmaceutical, Inc., and Par Pharmaceutical  
Companies, Inc.*

*Co-Liaison Counsel for the Manufacturer  
Defendants*

/s/ Enu Mainigi

Enu Mainigi  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street, N.W.  
Washington, DC 20005  
Telephone: (202) 434-5000  
Fax: (202) 434-5029  
emainigi@wc.com

*Counsel for Defendant Cardinal Health, Inc.*

*Co-Liaison Counsel for the Distributor Defendants*

/s/ Shannon E. McClure

Shannon E. McClure  
REED SMITH LLP  
Three Logan Square  
1717 Arch Street, Suite 3100  
Philadelphia, PA 19103  
Telephone: (215) 851-8100  
Fax: (215) 851-1420  
smcclure@reedsmith.com

*Counsel for Distributor Defendant AmerisourceBergen Drug Corporation*

*Co-Liaison Counsel for the Distributor Defendants*

/s/ Geoffrey Hobart

Geoffrey Hobart  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
Telephone: (202) 662-5281  
ghobart@cov.com

*Counsel for Distributor Defendant McKesson Corporation*

*Co-Liaison Counsel for the Distributor Defendants*

/s/ *Kaspar Stoffelmayr*

Kaspar Stoffelmayr  
BARTLIT BECK LLP  
54 West Hubbard Street  
Chicago, IL 60654  
Telephone: (312) 494-4434  
Fax: (312) 494-4440  
kaspar.stoffelmayr@bartlitbeck.com

*Counsel for the Walgreens Defendants*

*Liaison Counsel for the Chain Pharmacy  
Defendants*

**CERTIFICATE OF SERVICE**

I, Geoffrey E. Hobart, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ *Geoffrey E. Hobart*  
GEOFFREY E. HOBART